

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

CR 19 0562 WHO

JAIME AVINA BARAJAS,



DEFENDANT(S).

INDICTMENT

18 U.S.C. § 922(o) – Possession of a Machinegun;
26 U.S.C. § 5861(d) – Possession of an Unregistered Firearm;
18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) – Forfeiture Allegation

A true bill.

A blue ink signature, likely of the Foreman, written over a horizontal line.

Foreman

Filed in open court this 24th day of

October, 2019.

A blue ink signature, likely of the Clerk, written over a horizontal line.

Clerk

Remain in custody Bail, \$ No bail warrant

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. § 922(o)
 18 U.S.C. § 5861(d)

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: Imprisonment of up to 10 years, fine of \$250,000, 3 years of supervised release, \$100 special assessment, forfeiture, denial of federal benefits, immigration consequences, including possible deportation.

Name of District Court, and/or Judge/Magistrate Location

 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

DEFENDANT - U.S.

JAIME AVINA BARAJAS

DISTRICT COURT NUMBER

19 0562

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1)
- ☐
- If not detained give date any prior summons was served on above charges
-
- 2)
- ☐
- Is a Fugitive
-
- 3)
- ☒
- Is on Bail or Release from (show District)

San Mateo County

IS IN CUSTODY

- 4)
- ☐
- On this charge
-
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
-
- 6)
- ☐
- Awaiting trial on other charges
-
- If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, and Firearms

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form David L. Anderson

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Barbara J. Valliere

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Date/Time: _____

Before Judge: _____

Comments:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

FILED

OCT 24 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

DAVID L. ANDERSON (CABN 149604)
United States Attorney

HALLIE HOFFMAN (CABN 210020)
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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAIME AVINA BARAJAS,

Defendant.

CASE NO. **CR 19 0562**

MOTION TO SEAL
AND [PROPOSED] ORDER

[UNDER SEAL]

The United States hereby moves the Court for an order sealing this Motion, the Indictment, the Arrest Warrant, and this Sealing Order until further order of the Court. Disclosure of the existence of the Indictment and Arrest Warrant may cause the subject of the Indictment to flee, destroy evidence or conceal on-going criminal activity, jeopardizing the progress of the ongoing investigation and the arrest of the defendant. The United States also requests that a copy of the Indictment and Arrest Warrant be provided to agents of the Bureau of Alcohol, Tobacco, and Firearms, other law enforcement, and employees of the United States Attorney's Office, and that the Indictment and Arrest Warrant may be disclosed to

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MOT. TO SEAL AND [PROP.] ORDER
[UNDER SEAL]

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federal agents and other law enforcement officers in order to effectuate the arrest of the defendant.

DATED: 10/24/19

Respectfully Submitted,

DAVID L. ANDERSON
United States Attorney



Barbara J. Valliere
Assistant United States Attorney

ORDER

Based upon the motion of the government and for good cause shown, IT IS HEREBY ORDERED that the government's Motion to Seal, Indictment, Arrest Warrants, this Sealing Order, and other related documents in this case shall be sealed until further order of the Court. A copy of the Indictment and Arrest Warrants shall be provided to agents of the Bureau of Alcohol, Tobacco, and Firearms, other law enforcement, and employees of the United States Attorney's Office, and the Indictment and Arrest Warrants may be disclosed to federal agents and other law enforcement officers in order to effectuate the arrest of the defendants.

DATED: 24 Oct 2019



HON. BERNARD ZIMMERMAN
United States Magistrate Judge

DAVID L. ANDERSON (CABN 149604)
United States Attorney

FILED
2019 OCT 24 P 2:43
SUSAN Y. SOONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAIME AVINA BARAJAS,

Defendant.

CASE NO.

CR 19 0562
VIOLATION:

18 U.S.C. § 922(o) – Possession of a Machinegun; 26
U.S.C. § 5861(d) – Possession of an Unregistered
Firearm; 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c)
– Forfeiture Allegation

Under Seal

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 922(o) – Possession of a Machinegun)

On or about March 5, 2019, in the Northern District of California, the defendant,

JAIME AVINA BARAJAS,

knowingly and unlawfully possessed a machinegun (any part designed and intended solely and
exclusively for use in converting a weapon into a weapon that shoots and is designed to shoot
automatically more than one shot, without manual reloading, by a single function of the trigger),
specifically, a device commonly known as a “Glock switch,” in violation of Title 18, United States
Code, Section 922(o).

INDICTMENT

1 COUNT TWO: (26 U.S.C. §§ 5861(d) and 2 – Possession of Unregistered Firearm)

2 On or about March 5, 2019, in the Northern District of California, the defendant,

3 JAIME AVINA BARAJAS

4 did knowingly and unlawfully possess a machinegun (any part designed and intended solely and
5 exclusively for use in converting a weapon into a weapon that shoots and is designed to shoot
6 automatically more than one shot, without manual reloading, by a single function of the trigger),
7 specifically, a device commonly known as a “Glock switch,” which was not registered in the National
8 Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Section
9 5861(d).

10 FORFEITURE ALLEGATION: (18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c))

11 The allegations contained in the sole count of this Indictment are re-alleged and incorporated by
12 reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)
13 and Title 28, United States Code, Section 2461(c).

14 Upon conviction of the offense set forth in this Indictment, the defendant,

15 JAIME AVINA BARAJAS ,

16 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28,
17 United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the
18 offense, including, but not limited to, the following property: one fire selector system capable of
19 converting a firearm for semiautomatic and fully automatic fire, containing no manufacturer’s marks or
20 serial numbers.

21 If any of the property described above, as a result of any act or omission of the defendant:

- 22 a. cannot be located upon exercise of due diligence;
- 23 b. has been transferred or sold to, or deposited with, a third party;
- 24 c. has been placed beyond the jurisdiction of the court;
- 25 d. has been substantially diminished in value; or
- 26 e. has been commingled with other property which cannot be divided without
- 27 difficulty,

28 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,

1 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

2 All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code,
3 Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

4
5 DATED:

A TRUE BILL.

6 10/24/19

7 

8 FOREPERSON
San Francisco

9 DAVID L. ANDERSON
10 United States Attorney

11 
12 BARBARA J. VALLIERE
13 Assistant United States Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. JAIME AVINA BARAJAS

CASE NUMBER:

CR

Is This Case Under Seal?

Yes ☒ No

Total Number of Defendants:

1 ☒ 2-7 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes ☒ No

Venue (Per Crim. L.R. 18-1):

SF ☒ OAK SJ

Is this a potential high-cost case?

Yes No ☒

Is any defendant charged with a death-penalty-eligible crime?

Yes No ☒

Is this a RICO Act gang case?

Yes No ☒

Assigned AUSA

(Lead Attorney): AUSA BARBARA J. VALLIERE Date Submitted: 10/24/19

Comments:

CR19-00562-WHO